

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

SEAN D. PHILBROOK,	:	
Petitioner	:	CIVIL ACTION NO. 3:15-0090
v.	:	(JUDGE MANNION)
CAPTAIN SPAULDING,	:	
Respondent	:	

MEMORANDUM

Pending before the court is a report by Magistrate Judge Karoline Mehalchick recommending that the petition for writ of habeas corpus filed in the above-captioned matter be denied. (Doc. 15). Neither party has filed objections to the report. Upon review of the report and related materials, the report of Judge Mehalchick will be adopted in its entirety.

By way of relevant background, on January 14, 2015, the petitioner, an inmate at the United States Penitentiary at Lewisburg, ("USP-Lewisburg"), Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2241, in which he challenges disciplinary proceedings against him which resulted in the loss of good time credits, among other things. (Doc. 1). After receipt of the proper filing fee, on March 3, 2015, an order to show cause was issued. (Doc. 6). A response to the petition was filed on March 24, 2015. (Doc. 8). On April 13, 2015, the petitioner filed a reply brief in support of his petition. (Doc. 9).

On June 6, 2016, Judge Mehalchick reviewed the petition, as well as the

arguments presented by the parties in their respective briefs, and recommended that the instant petition be denied. (Doc. 15). Initially, Judge Mehalchick determined that the petitioner failed to properly exhaust his administrative remedies prior to bringing the instant action. Moreover, even if the petitioner had exhausted his administrative remedies, Judge Mehalchick determined that the petitioner's habeas claims fail on the merits. The parties were advised of their right to file objections to Judge Mehalchick's report pursuant to Middle District of Pennsylvania Rules of Court, L.R. 72.3. Neither party has filed objections.

Where no objections are made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

In this case, the court has reviewed Judge Mehalchick's assessment of the instant petition and agrees with the sound reasoning which led her to the

conclusions in her report. Moreover, the court finds no clear error on the face of the record. As such, the court will adopt the recommendation of Judge Mehalchick in its entirety. An appropriate order shall issue.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: July 11, 2016

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